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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 24

Application Number: 09/118,100

Filing Date: July 17, 1998

Appellant(s): Hye-Young Lee

MAILED
DEC 12 2002
Technology Center 2100

Paul J. Farrell
For Appellant

EXAMINER'S ANSWER

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This is in response to appellant's brief on appeal filed November 13, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on July 24, 2002 has not been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

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The rejection of claims 1, 2, 5-8, 11, and 12 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *ClaimsAppealed*

A substantially correct copy of appealed claims 1, 2, 5-8, 11, and 12 appears on pages 6 and 7 of the Appendix to the appellant's brief. The minor errors are as follows: in claims 1 and 6, "receiving a reference time" should be "acquiring a reference time".

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| | | |
|-----------|-----------------|---------|
| 6,108,277 | Whitmore | 08-2000 |
| 5,375,018 | Klausner et al. | 12-1994 |

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable Whitmore, US Patent Number 6,108,277 (hereinafter Whitmore) in view of Klausner et al., US Patent Number 5,375,018 (hereinafter Klausner).

Regarding claim 1, Whitmore discloses an apparatus for displaying local time information, comprising: means for storing Greenwich mean time (GMT) information for each of a plurality of cities; means for setting a reference time; means for counting a duration of time that elapses from when said reference time is set; means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and means for outputting said local time [abstract; col. 8: lines 29-45].

What Whitmore does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Klausner as will be discussed below.

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Klausner discloses an apparatus for displaying local time information based on a present location of said apparatus wherein the reference time is acquired from a signal received from a remote system [col. 1: lines 44-55].

Whitmore and Klausner are combinable because they are from the same field of endeavor, that is, apparatuses for displaying local time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Whitmore to include Klausner. The motivation for this combination, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated.

Regarding claim 2, it would be obvious for the apparatus to be a mobile telephone based on Klausner's disclosure that the invention is useful for portable timepieces [col. 10: lines 40-42].

Regarding claim 5, it would be obvious to include the reference time as a system time acquired from a sync channel message received by said mobile phone from a base station of a CDMA cellular system based on Klausner's disclosure that the reference time information is obtained by radio frequency information transmitted to the device [col. 1: lines 47-55; col. 2: lines 26-35].

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3. Claims 6-8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitmore in view of Klausner.

Regarding claim 6, Whitmore discloses in an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of: setting a reference time; counting a time which elapses from said setting of said reference time; selecting at least one of said plurality of cities; automatically calculating a local time of said selected city based on a difference between the GMT of a present location of said apparatus, said reference time and said elapsed; and displaying said calculated local time [abstract; col. 8: lines 29-45].

What Whitmore does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Klausner as will be discussed below.

Klausner discloses an apparatus for displaying local time information based on a present location of said apparatus wherein the reference time is acquired from a signal received from a remote system [col. 1: lines 44-55].

Whitmore and Klausner are combinable because they are from the same field of endeavor, that is, apparatuses for displaying local time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Whitmore to include Klausner. The motivation for this combination, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the

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apparatus in order to reduce cost, size, and weight and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated.

Regarding claim 7, Klausner discloses the step of displaying a message to set a reference time if said step of setting a reference time does not occur [col. 6: lines 13-26].

Regarding claim 8, Whitmore discloses said step of selecting includes the substeps of: displaying a list of said plurality of cities; and scrolling through said list to select a desired one of said plurality of cities [col. 8: lines 49-54].

Regarding claim 11, it would be obvious for the apparatus to be a mobile telephone based on Klausner's disclosure that the invention is useful for portable timepieces [col. 10: lines 40-42].

Regarding claim 12, it would be obvious to include the reference time as a system time acquired from a sync channel message received by said mobile phone from a base station of a CDMA cellular system based on Klausner's disclosure that the reference time information is obtained by radio frequency information transmitted to the device [col. 1: lines 47-55; col. 2: lines 26-35].

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(11) Response to Argument

Appellant argues the following:

- A: The Klausner reference fails to disclose a reference time is received or acquired.
- B: The Whitmore and Klausner references do not disclose automatically calculating a local time of a selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of the apparatus, said reference time and said elapsed time.

As per A:, Klausner discloses an apparatus for displaying local time information based on a present location of said apparatus wherein a reference time is acquired from a signal received from a remote system [col. 1: lines 44-55]. Klausner teaches that radiowave frequencies are detected and used to determine a reference time. Therefore, Klausner teaches receiving the signal from a remote system. Further, Applicant contradicts himself by stating that the pending application recites receiving (or acquiring) a reference time from a remote system and then stating that in the present invention, there is no receipt of radiowave frequencies [see page 4, lines 7-10 of Appeal Brief]. However, the claims state “acquiring a reference time from a signal received from a remote system”. Again, Klausner teaches this limitation.

As per B:, Whitmore and Klausner disclose automatically calculating a local time of a selected city, said local time being based on a difference between the GMT of said selected city

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and the GMT of a present location of the apparatus, said reference time and said elapsed time. Specifically, Whitmore discloses automatically calculating a local time of a selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, a reference time and said elapsed time [col. 8: lines 29-45]. When a city is selected, the device calculates the local time of the city based on the GMTs of the city and the present location, and the time elapsed from the reference time. In Whitmore the reference time is set by the user. In Klausner, the reference time is acquired by received signals. Whitmore and Klausner were combined because they are from the same field of endeavor, that is, displaying local time information. It is well known in the art to improve a manual function by making it automatic or not requiring user intervention. Further, Klausner also teaches displaying local time information comprising storing GMT information for a plurality of cities [col. 3: lines 53-56]; acquiring a reference time from a signal received from a remote system [col. 1: lines 44-55]; selecting a city and automatically calculating a local time of the city based on a difference between the GMT of the selected city and the GMT of the present location, the reference time and the elapsed time [col. 4: lines 51-55].

For the above reasons, it is believed that the rejections should be sustained and the Examiner is requesting the Board to affirm this position.

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Respectfully submitted,



Erika Gary
December 10, 2002

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